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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1274/2016& CM APPLs. 5609-5610/2016

AAKASH COLLEGE OF EDUCATION Petitioner

Through Mr. Sanjay Sharawat and Mr. Ratish
Kumar, Advocates

versus

NATIONAL COUNCIL FOR TEACHER

EDUCATION & ANR..... Respondent

Through Mr. Anil Soni, Advocate

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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17.02.2016

Present writ petition has been filed with the following prayers:-

“[a] Issue a writ of certiorari and quash the instruction issued by the Respondent No. 1 [Annexure P-20] to the extent it requires “NOC from the affiliating body” to be submitted alongwith the application as the same is contrary to the law declared by Hon’ble Supreme Court of India in State of Maharashtra vs Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya & Ors [(2006) 9 SCC 1] and Maa Vaishno Devi Mahila Mahavidyalaya vs State of U.P & Ors [(2013) 2 SCC 617]; and

[b] Alternatively hold and declare that the requirement of submitting NOC from the affiliating body does not apply to the case of the petitioner in view of the policy decision taken by the Respondent No. 1; and (Annex-P-17)

- [c] Pass an appropriate order and hold and declare that the application of the Petitioner is required to be decided on the basis of public notice dated 26.11.2012 issued by the Respondent No. 1 and strictly as per the NCTE Regulations, 2014 from the stage it was rejected by the Respondent No. 2 vide order dated 26.09.2013; and*
- [d] issue a writ of certiorari and quash the order dated 30.12.2015 passed by the Respondent No. 2 as the same is violative of the order dated 19.05.2015 passed by this Hon'ble Court in W.P [C] No. 3353 of 2015 and consequentially direct said Respondent to process and finally decide application of the Petitioner for grant of recognition for D.El.Ed course from academic session 2016-17 in accordance with law; and*
- [e] Pass any other and further order(s) as may be deemed fit."*

Learned counsel for respondents, who appears on advance notice, states that present writ petition is not maintainable as the petitioner has an alternative effective remedy by way of an appeal before NCTE.

Consequently, present writ petition is disposed of with liberty to the petitioner to file an appeal. If the appeal is filed within a period of three days, the same is directed to be disposed of by NCTE prior to 3rd March, 2016.

With the aforesaid liberty, the present writ petition and applications are disposed of. The rights and contentions of all the parties are left open.

Order dasti under signature of Court Master.

MANMOHAN, J

FEBRUARY 17, 2016

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